

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE:**

**AREU STUDIOS, LLC,  
Debtor.**

**CHAPTER 11**

**CASE NO. 20-71228-PMB**

**MOTION REQUESTING ENTRY OF ORDER APPROVING OFFER OF ADEQUATE  
ASSURANCE OF FUTURE PERFORMANCE TO RESPONDENTS**

COMES NOW Areu Studios, LLC (collectively with Good Deed 317, LLC “Debtors”),<sup>1</sup> by and through the undersigned counsel, and hereby files this “*Motion Requesting Entry of Order Approving Offer of Adequate Assurance of Future Performance to Respondents*” (the “Motion”). In support of the Motion, Debtors shows the Court as follows:

**Jurisdiction**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

**Background**

2. On October 29, 2020 (the “Petition Date”), Debtors each filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (as amended, modified, or supplemented the “Bankruptcy Code”).

3. Debtor Areu Studios, LLC operates a production studio with principal offices located at 3133 Continental Colony Parkway SW, Atlanta, GA 30331 (the “Premises”).

4. Debtor Good Deed 317, LLC owns the Premises.

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<sup>1</sup> A motion requesting the same relief is being filed in Good Deed 317, LLC, Case No. 20-71227.

5. Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, Debtors continue to operate their businesses as a debtors-in-possession.

6. Georgia Power Company provides electric services to Areu Studios, LLC at the Premises.

7. Gas South provides natural gas services to the Areu Studios, LLC at the Premises.

8. AT&T provides phone and internet services to Areu Studios, LLC at the Premises.

9. Sohonet provides internet services to Areu Studios, LLC at the Premises.

10. DirectTV provides cable tv services to Areu Studios, LLC at the Premises.

11. City of Atlanta Department of Watershed Management provides water and solid waste services to Good Deed 317, LLC at the Premises. (Georgia Power Company, Gas South, AT&T, Sohonet, DirectTV and City of Atlanta Department of Watershed Management are collectively referred to herein as the “Providers” or separately as “Provider”).

#### **Relief Requested**

12. By the Motion, Debtors request entry of an order: (a) prohibiting the Providers from altering, refusing, or disconnecting services on account of the failure to pay a prepetition invoice when due, the filing of this bankruptcy case, or the failure to post an additional deposit; (b) deeming the Providers adequately assured of future performance within the meaning of Section 366 of the Bankruptcy Code; and (c) establishing procedures for determining requests for additional adequate assurance made by Providers, if any.

#### **Basis for Relief Requested**

13. Section 366 protects a debtor from the immediate termination of services upon the commencement of a bankruptcy case and simultaneously requires a debtor to provide utility companies with adequate assurance of payment for post-petition utility services. See H.R. Rep.

No. 595, 95<sup>th</sup> Cong., 1<sup>st</sup> Sess. 350, reprinted in 1978 U.S.C.C.A.N. 6306. Section 366 of the Bankruptcy Code provides, in pertinent part, as follows:

- (a) Except as provided in subsection (b) and (c), a utility may not alter, refuse, or discontinue service to, or discriminate against, the trustee or the debtor solely on the basis of the commencement of a case under this title or that a debt owed by the debtor to such utility for service rendered before the order for relief was not paid when due.
- (c)(2) ...with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance for utility service that is satisfactory to the utility.

11 U.S.C. § 366(a) and (c)(2).

14. Section 366 applies to companies providing electricity, natural gas, water, and telephone services along with entities providing services that cannot be readily obtained or replaced or which has a monopoly with respect to the services being provided to a debtor. See H.R. Rep. No. 95-585, at 350 (1977); S. Rep. No. 95-989, at 60 (1978).

15. Debtors are capable of keeping current on post-petition obligations that will become due and owing to the Providers. Moreover, Debtors propose to pay \$100.00 to each Provider to be held by the Provider as a post-petition deposit. Accordingly, Debtors offer such along with the as adequate assurance of future performance.

16. The requested relief is in the best interest of the estate. Continuation of utility service is critical to Debtors' business operations. Any discrimination in providing services will result in serious damage to the Debtors' estates, and will jeopardize Debtors' reorganizational efforts.

17. The relief sought in this Motion is without prejudice to the rights of Providers to request additional assurances from the Debtors in the form of deposits or other security. With respect to requesting additional assurances, Debtors propose the following procedure:

- (a) Provider must request additional assurance in writing so that it is actually received by Debtor's counsel, Cameron M. McCord, Jones, & Walden, LLC, 699 Piedmont Ave, Atlanta, Georgia 30308 within twenty-one (21) days after entry of an order approving this Motion (the "Provider Request Deadline"). Any requests received after the Provider Request Deadline shall be untimely and null and void;
- (b) In the event Debtor believes that a timely request for additional assurances made by a Provider is unreasonable and the parties are unable to reach a consensual resolution, the Provider shall be required to file a motion for determination of adequate assurance of payment (the "Payment Determination Motion") requesting a hearing. A Payment Determination Motion must be filed within forty-five (45) days after entry of an Order approving this Motion.
- (c) In the event a Hearing is scheduled, the Provider shall be deemed to have adequate assurance of payment until an order of the Court is entered in connection with the Hearing.

18. Notice of the Motion and any hearing thereon shall be provided to Providers, the United States Trustee and the parties reflected on the Debtors' mailing matrix.

WHEREFORE, Debtors requests that the Court: (i) approve the Motion and relief requested herein, (ii) direct that Providers shall not alter, refuse, or discontinue post-petition service on account of Debtors' bankruptcy filing or prepetition arrearages or the failure to post a deposit; (iii) approve the offered adequate assurance of payment offered herein; (iv) approve the procedures for requesting additional assurance of payment, and (v) grant such other relief as is deemed just and proper.

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Respectfully submitted this 12<sup>th</sup> day of November, 2020.

**JONES & WALDEN LLC**

/s/ Cameron M. McCord

Cameron M. McCord

Georgia Bar No. 143065

699 Piedmont Ave NE

Atlanta, Georgia 30308

(404) 564-9300

(404) 564-9301 Facsimile

[cmccord@joneswalden.com](mailto:cmccord@joneswalden.com)

Proposed Attorney for Debtor in Possession

**IN THE UNITED STATES BANKRUPTCY COURT  
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ATLANTA DIVISION**

**IN RE:**

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Debtor.**

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**CASE NO. 20-71228-PMB**

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a copy of the foregoing "*Motion Requesting Entry of Order Approving Offer of Adequate Assurance of Future Performance to Respondents*" via U.S. Mail upon the following parties and upon the parties listed on the attached mailing matrix:

Georgia Power Company  
241 Ralph McGill Blvd NE  
Atlanta, GA 30308

Gas South  
3625 Cumberland Blvd SE  
Atlanta, GA 30339

DirecTV  
PO Box 105249  
Atlanta, GA 30348

Sohonet Inc.  
Dept LA 24489  
Pasadena, CA 91185

AT&T  
c/o Bankruptcy  
4331 Communications Dr  
Flr 4W  
Dallas, TX 75211

City of Atlanta Department of  
Watershed Management  
72 Marietta St NW  
Atlanta, GA 30303

This 12th of November, 2020.

**JONES & WALDEN LLC**

/s/ Cameron M. McCord  
Cameron M. McCord  
Georgia Bar No. 143065  
Proposed Attorney for Debtor  
699 Piedmont Ave, NE  
Atlanta, GA 30308  
(404) 564-9300  
[cmccord@joneswalden.com](mailto:cmccord@joneswalden.com)

Label Matrix for local noticing

AT&amp;T Document Page 7 of 7

Areu Studios, LLC

113E-1

2300 Parklake Center Dr

3133 Continental Colony Parkway SW

Case 20-71228-pmb

Tucker, GA 30084

Atlanta, GA 30331-3109

Northern District of Georgia

Atlanta

Thu Nov 12 14:50:29 EST 2020

Matthew R. Brooks

Troutman Pepper Hamilton Sanders LLP  
Suite 3000  
600 Peachtree Street, NE  
Atlanta, GA 30308-2305

Cinelease

10 Southwoods Pkwy #100  
Atlanta, GA 30354-3733Clayton Robert Barker III  
Law Offices of Robert Barker  
4779 Sedberry Hill Court SE  
Atlanta, GA 30339-5362Corporate Creations Network Inc  
2985 Gordy Parkway, 1st Floor  
Marietta, GA 30066-3078Cushman & Wakefield  
1180 Peachtree Street NE #3100  
Atlanta, GA 30309-7529ECS, Inc.  
15351 West 109th Street  
Lenexa, KS 66219-1201Endavo Media & Communications  
3423 Piedmont Rd NE  
Atlanta, GA 30305-1751Green Fern Tree Service  
1310 Northshore Drive  
Roswell, GA 30076-2816Humana  
500 West Main Street  
Louisville, KY 40202-4268Internal Revenue Service  
P. O. Box 7346  
Philadelphia, PA 19101-7346Johnson Controls  
1350 Northmeadow Pkwy #100  
Roswell, GA 30076-5703LV Atlanta LLC  
175 SW 7th St., Suite 2101  
Miami, FL 33130-2962Lawrence & Bundy LLC  
1180 W. Peachtree St NW #1650  
Atlanta, GA 30309-3728Mary Propes  
MFVDPRLLC  
Charleston, SC 29492Rinehart Security & Consulting  
2451 Cumberland Pkwy, SE  
Atlanta, GA 30339-6136Secretary of the Treasury  
15th & Pennsylvania Avenue, NW  
Washington, DC 20200Sohonet  
12950 Culver Blvd, Suite 100  
Los Angeles, CA 90066-6785Spot on Content LLC  
6787 West Tropicana, Suite 233  
Las Vegas, NV 89103-4913Shawna Staton  
Office of the United States Trustee  
362 Richard Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303-3315U. S. Securities and Exchange Commission  
Office of Reorganization  
Suite 900  
950 East Paces Ferry Road, NE  
Atlanta, GA 30326-1382ULINE  
12575 Uline Drive  
Pleasant Prairie, WI 53158-3686VSC Fire Security  
1780 Corporate Drive, Ste 425  
Norcross, GA 30093-2958UnitedHealthcare Insurance Company  
ATTN: CDM/Bankruptcy  
185 Asylum Street  
03B  
Hartford, CT 06103-3408